

UNITED STATES OF
AMERICA,

VS.

GIL ALBERTO VELAZCO
CASTRO,

Case No. CR 11-846-PSG (Dft #1)

I

5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive

1 device or any other dangerous weapon, or a failure to register under 18
2 U.S.C. § 2250.

3 B. (X) On motion by the Government/ () on Court's own motion, in a
4 case allegedly involving:

5 1. (x) a serious risk that the defendant will flee.

6 2. () a serious risk that the defendant will:

7 a. () obstruct or attempt to obstruct justice.

8 b. () threaten, injure or intimidate a prospective witness or
9 juror, or attempt to do so.

10 C. The Government () is/ (x) is not entitled to a rebuttable presumption that
11 no condition or combination of conditions will reasonably assure the
12 defendant's appearance as required and the safety of any person or the
13 community.

14 II

15 A. () The Court finds that no condition or combination of conditions
16 will reasonably assure:
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18 1. (x) the appearance of the defendant as required.

19 () and/or

20 2. (x) the safety of any person or the community.

21 B. () The Court finds that the defendant has not rebutted by sufficient
22 evidence to the contrary the presumption provided by statute.

23 III

24 The Court has considered:
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26 A. the nature and circumstances of the offense(s) charged, including
27 whether the offense is a crime of violence, a Federal crime of terrorism, or
28 involves a minor victim or a controlled substance, firearm, explosive, or

1 destructive device;

2 B. the weight of evidence against the defendant;

3 C. the history and characteristics of the defendant; and

4 D. the nature and seriousness of the danger to any person or the community.

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6 IV

7 The Court also has considered all the evidence adduced at the hearing and the
8 arguments and/or statements of counsel, and the Pretrial Services
9 Report/recommendation.

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11 V

12 The Court bases the foregoing finding(s) on the following:

13 A. (X) As to flight risk: DEFENDANT IS A CITIZEN AND RESIDENT
14 OF MEXICO. WHILE HE HAS NO CONVICTIONS AND HAS OFFERED HIS
15 BROTHER'S PROPERTY IN SAN DIEGO AS COLLATERAL, HE CAN OFFER
16 NO REAL OR PERSONAL PROPERTY OF HIS OWN THAT WILL INSURE HIS
17 APPEARANCE IN COURT.

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19 B. (X) As to danger: EVIDENCE WAS PRESENTED FROM WHICH
20 TO DRAW AN INFERENCE THAT DEFENDANT HAS BEEN ENGAGED IN
21 THE TRANSPORTATION OF CONTROLLED SUBSTANCES FROM MEXICO
22 TO THE UNITED STATES.

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24 VI

25 A. () The Court finds that a serious risk exists the defendant will:

26 1. () obstruct or attempt to obstruct justice.

27 2. () attempt to/ () threaten, injure or intimidate a witness or
28 juror.

1 B. The Court bases the foregoing finding(s) on the following:
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3 VI

4 A. IT IS THEREFORE ORDERED that the defendant be detained prior to
5 trial.

6 B. IT IS FURTHER ORDERED that the defendant be committed to the
7 custody of the Attorney General for confinement in a corrections facility
8 separate, to the extent practicable, from persons awaiting or serving sentences
9 or being held in custody pending appeal.

10 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
11 opportunity for private consultation with counsel.

12 D. IT IS FURTHER ORDERED that, on order of a Court of the United
13 States or on request of any attorney for the Government, the person in charge
14 of the corrections facility in which defendant is confined deliver the defendant
15 to a United States marshal for the purpose of an appearance in connection with
16 a court proceeding.

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18 DATED: November 4, 2011



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20 MARC L. GOLDMAN
UNITED STATES MAGISTRATE JUDGE
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